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PHANTANA ANGKOOL, DAVID

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/673,673	BANGOR ET AL.
Office Action Summary	Examiner	Art Unit	
	David Phantana-angkool	2175	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 June 2009_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9,11,13,14 and 16-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9,11,13, 14 and 16-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Amendments filed on June 5th, 2009.

This action is made Final.

2.   Claims 1-9, 11, 13, 14 and 16-20 are pending claims.

3.   Applicants amended claims 1-9, 11, 14, and 16-20.

Claim Rejections - 35 USC § 103

4.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   This application currently names joint inventors. In considering patentability of the claims under

35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

6.   **Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al.,**

US PG PUB# 2004/0119761 A1 (hereinafter Grossman) in view of Padwick, "Special Edition Using

Microsoft Outlook 2000" (hereinafter Padwick) and in view of Kleindienst el al., US# 7,315,613 B2

(hereinafter Kleindienst), and in further view of Hiipakka, US PG PUB# 2003/0098892 A1

(hereinafter Hiipakka).

As for independent claim 1:

Grossman shows messaging system comprising:

- *a processor; a memory device coupled to the processor, the memory device storing instructions for generating a graphical user interface, the graphical user interface operable to present* (0036, Grossman shows a processor and memory for generating the UI, user interface)*:*

- *an address menu having an identification field with a plurality of associated address fields, each of the plurality of <u>associated</u> address fields operable to maintain an address for a plurality of messaging receipt options,* ((0053, Fig. 7 shows multiple address fields for a messaging receipt option. In Para. 0069 Grossman shows that the user may change the view of the outgoing communication history based on the type of communication. Grossman shows a plurality of messaging options in Para. 0069)*;*

- *an address box associated with the outgoing electronic message capable of receiving multiple user-selected addresses from the plurality of <u>associated</u> address fields of identification field for subsequent transfer of the outgoing electronic message to the <u>multiple</u> user-selected addresses* (Grossman shows an address box receiving multiple addresses through use of single selector in (Fig. 4# 410, Fig. 5#510, 520, and 530; Para. 0062-0063).

Grossman does not specifically show *a selector to initiate presentation of the address menu <u>at</u> the graphical user interface for user selection of multiple addresses from the plurality of address fields of identification field.* In the same field of invention Padwick teaches a selector (Figure 3.32 "To" to initiate presentation of the address menu on the graphical user interface for selecting multiple addresses as shown in "Creating a Message", Pgs. 6, 7, and Figure 3.32 in Padwick and also shown below:
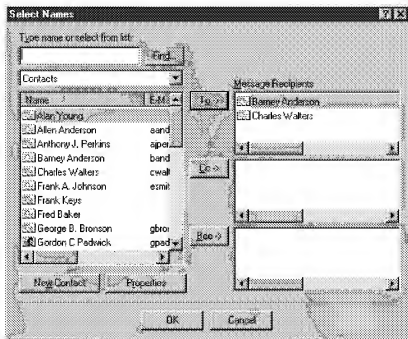
Figure 3.32. The Select Names dialog box shows the names in your Address Book. These names are listed at the left side of the dialog box.

Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Grossman messaging system to incorporate *a selector to initiate presentation of the address menu on the graphical user interface for user selection of multiple addresses from the plurality of address fields of identification field* as taught by Padwick, thus allowing the user to select a plurality of names and addresses from the Message form (Padwick, "Creating a Message", Pg. 6).

Grossman and Padwick do not specifically show *wherein outgoing <u>electronic </u>message is formatted in a plurality of formats based upon <u>one or more</u> the <u>plurality of </u>messaging receipt options.* However Grossman does show multiple address fields for a messaging receipt option, and Padwick shows a user using a selector to select multiple addresses from a plurality of address fields. In the same field of endeavor Kleindienst teaches *wherein outgoing message is formatted in a plurality of formats based upon the messaging receipt options.* Kleindienst also teaches multi-modal messaging system. Furthermore Kleindienst clearly teach that the user may select a plurality of messaging formats to send (12:16-25). Grossman, Padwick, and Kleindienst teach a communication messaging system. Accordingly it would have been obvious to a skilled artisan at the time of the invention was made to

modify the system of Grossman and Padwick to incorporate the multi-modal messaging system as taught by Kleindienst, thus allowing the user to send a plurality of outgoing message formats (12:16-25).

Grossman, Padwick, and Kleindienst do not specifically show *wherein content associated with the selector is selectively presented audibly*. However in the same field of invention Hiipakka teaches *wherein content associated with the selector is selectively presented audibly* in Para 0027. In Para 0027 Hiipakka teaches an auditory icon which corresponds to a visual icon using text-to speech (TTS) synthesis. Accordingly it would have been obvious to a skilled artisan at the time of the invention was made to modify the method of Grossman, Padwick, and Kleindienst to incorporate the text-to-speech synthesis, thus allowing the system to present content in an audio format (Hiipakka, 0027).

As for dependent claim 2:

Grossman-Padwick suggests the *messaging* system *of claim 1 wherein the identification field maintains a contact alias for a potential recipient of the outgoing electronic message* (0079). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grossman for the same reason as stated previously above (see claim 1 *supra*).

As for dependent claim 3:

Grossman-Padwick suggests the *messaging* system *of claim 1, wherein the graphical user interfaces is further operable to present: a first address menu for a first user and a second address menu for a second user; and an interface engine associated with the messaging system and operable to communicatively couple a remote computer associated with the first user to the messaging system* (0014, 0046, 0075). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grossman for the same reason as stated previously above (see claim 1 *supra*).

As for dependent claim 4:

Grossman-Padwick suggests the *messaging* system *of claim 3 wherein the messaging system is operable to initiate communication of internet protocol packets* (Fig. 4# 450). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grossman for the same reason as stated previously above (see claim 1 *supra*).

As for dependent claim 5:

Grossman-Padwick suggests the *messaging system of claim 3, wherein the remote computer is communicatively coupled to the messaging system via a cable modem* (0075). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grossman for the same reason as stated previously above (see claim 1 *supra*).

As for dependent claim 6:

Grossman-Padwick suggests the *messaging system of claim 1, wherein the address menu further comprises: a first address field associated with the identification field, the first address field for maintaining a first address type of a contact; and a second address field associated with the identification field, the second address field for maintaining a second address type of the contact* (Fig.4 shows different types of contact information associated with a user). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grossman for the same reason as stated previously above (see claim 1 *supra*).

As for dependent claims 7 and 8:

The teachings of Grossman, Padwick, and Kleindienst suggest *short messaging service address, an enhanced messaging service address,* and *a multimedia messaging service address* as communication type (Kleindienst, 2: 35-50). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of XXX for the same reason stated previously above (see claim 1 *supra*).

7.   Claims 11, 13, 14, 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al., US PG PUB# 2004/0119761 A1 (hereinafter Grossman) in view of Shavit et al, US PG PUB# 2002/0160757 (hereinafter Shavit) and in further view of Kleindienst el al., US# 7,315,613 B2 (hereinafter Kleindienst), and in further view of Hiipakka, US PG PUB# 2003/0098892 A1 (hereinafter Hiipakka).

As for independent claim 11:

Grossman shows a messaging method comprising:

- *initiating presentation of a first user-selectable item for viewing a collection of contact information* ; (Grossman, 0048);

- *receiving a signal indicating user selection of the first user-selectable item* (Grossman, 0050);

- *initiating a graphical user interface (GUI) element to present an address menu comprising contact information for at least one potential addressee* (Clicking on Fig.4# 470, Para. 0062 will initiate a graphical user interface displaying an address menu to display a plurality of addresses),

Grossman does not specifically show (1) *the contact information including a first selectable address of a first address type and a second selectable address of a second address type for the at least one potential addressee* (2) *recognizing a selection of the first <u>selectable</u> address and the second <u>selectable</u> address;* (3)*initiating presentation of the first <u>selectable</u> address and the second <u>selectable</u> address in an address box associated with an outgoing electronic message, wherein the outgoing electronic message is formatted based upon the first address type for transmission to the first <u>selectable</u> address and the outgoing electronic message is formatted based upon the second <u>selectable</u> address type for transmission to the second address.* In Paragraph 0053 and Fig. 7, Grossman shows multiple address fields for a messaging receipt option. In Para. 0069 Grossman shows that the user may change the view of the outgoing communication history based on the type of communication. Furthermore Grossman shows a plurality of messaging options in Para. 0069. In the same field of invention Shavit teaches a contacts database which stores a list of addresses of a potential addressee (Shavit, 0034). Shavit allows the user to configure a priority table to send a message to a desired recipient with a plurality of addresses (Shavit, 0007). Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Grossman messaging system to incorporate (1) *the contact information including a first selectable address and a second selectable address for the at least one potential addressee* (2) *recognizing a selection of the first address and the second address;* (3) *initiating presentation of the first address and the second address in an address box associated with an outgoing electronic message* as taught by Shavit, thus allowing the user to send a message to a desired recipient with a plurality of addresses (Shavit, 0007).

Grossman and Shavit do not specifically show *wherein the outgoing electronic message is formatted based upon the first address type for transmission to the first address and the outgoing electronic message is formatted based upon the second address type for transmission to the second*

address. However Grossman does show multiple address fields for a messaging receipt option, and

Shavit shows a user may send a message to a plurality of destination associated with a single user. In

the same field of endeavor Kleindienst teaches *wherein the outgoing electronic message is formatted*

based upon the first address type for transmission to the first address and the outgoing electronic

message is formatted based upon the second address type for transmission to the second address.

Kleindienst also teaches multi-modal messaging system. Furthermore Kleindienst clearly teach that the

user may select a plurality of messaging formats to send (12:16-25). Grossman, Shavit, and Kleindienst

teach a communication messaging system. Accordingly it would have been obvious to a skilled artisan at

the time of the invention was made to modify the system of Grossman and Shavit to incorporate the multi-

modal messaging system as taught by Kleindienst, thus allowing the user to send a plurality of outgoing

message formats (12:16-25). The teachings of Grossman, Shavit and Kleindienst render the following

limitations as obvious:

> *wherein the outgoing electronic message is formatted based upon the first address type for*
>
> *transmission to the first address and the outgoing electronic message is formatted based upon*
>
> *the second address type for transmission to the second address.*

Grossman, Shavit, and Kleindienst do not specifically show *wherein content associated with the selector*

is selectively presented audibly. However in the same field of invention Hiipakka teaches *wherein content*

associated with the selector is selectively presented audibly in Para 0027. In Para 0027 Hiipakka teaches

an auditory icon which corresponds to a visual icon using text-to speech (TTS) synthesis. Accordingly it

would have been obvious to a skilled artisan at the time of the invention was made to modify the method

of Grossman, Shavit, and Kleindienst to incorporate the text-to-speech synthesis, thus allowing the

system to present content in an audio format (Hiipakka, 0027).

As for dependent claim 13:

Grossman- Shavit suggests the *method of claim 11, further comprising: receiving a signal indicating a*

request to prepare an outgoing message; and initiating presentation of a messaging graphical user

interface (GUI) to present a message composition template comprising an address box and a message

input box (Grossman, Figs 4 and 7, 0059). It would have been obvious to one of ordinary skill in the art at

the time of the invention was made to modify the graphical user interface of Grossman for the same

reason as stated previously above (see claim 11, *supra*).

As for dependent claim 14:

Grossman- Shavit suggests the *method of claim 11, further comprising: modifying the address menu in*

response to a user input comprising addition of another potential addressee; subsequently initiating the

graphical user interface (GUI) element; and wherein the address menu comprises contact information for

the at least one potential addressee and the another potential addressee (Grossman, 0059). It would

have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the

graphical user interface of Grossman for the same reason as stated previously above (see claim 11,

supra).

As for dependent claim 16:

Grossman- Shavit suggests the *method of claim 11, further comprising: initiating presentation of a second*

user-selectable item associated with sending the outgoing electronic message to the first selectable

address and the second selectable address in the address box (Grossman, 0059 and 0060). It would

have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the

graphical user interface of Grossman for the same reason as stated previously above (see claim 11,

supra).

As for dependent claim 17:

Grossman- Shavit suggests the *method of claim 16, further comprising: receiving a second signal*

indicating a user selection of the second user-selectable item; and initiating communication of the

outgoing electronic message to the first selectable address and the second selectable address

(Grossman, 0053, 0059 and 0060). It would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the graphical user interface of Grossman for the same reason

as stated previously above (see claim 11, *supra*).

As for dependent claim 18:

Grossman- Shavit suggests the *method of claim 17 further comprising attaching a file to the outgoing*

electronic message (Grossman, Fig. 4). It would have been obvious to one of ordinary skill in the art at

the time of the invention was made to modify the graphical user interface of Grossman for the same reason as stated previously above (see claim 11, *supra*).

As for independent claim 20:

Claim 20 contains similar substantial subject matter as claimed in claim 11 and is respectfully rejected along the same rationale. Grossman and Shavit do not specifically show *wherein the address type of a first selected address of the multiple addresses is different than at least one other address type of the selected multiple addresses.* However Grossman does show multiple address fields for a messaging receipt option, and Shavit shows a user may send a message to a plurality of destination associated with a single user. In the same field of endeavor Kleindienst teaches *wherein the address type of a first selected address of the multiple addresses is different than at least one other address type of the selected multiple addresses.* Kleindienst also teaches multi-modal messaging system. Furthermore Kleindienst clearly teach that the user may select a plurality of messaging formats to send (12:16-25). Grossman, Shavit, and Kleindienst teach a communication messaging system. Accordingly it would have been obvious to a skilled artisan at the time of the invention was made to modify the system of Grossman and Shavit to incorporate the multi-modal messaging system as taught by Kleindienst, thus allowing the user to send a plurality of outgoing message formats (12:16-25). The teachings of Grossman, Shavit and Kleindienst render the following limitations as obvious:

> *wherein the address type of a first selected address of the multiple addresses is different than at least one other address type of the selected multiple addresses.*

8.   **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al., US PG PUB# 2004/0119761 A1 (hereinafter Grossman) in view of Padwick, "Special Edition Using Microsoft Outlook 2000" in view of Kleindienst el al., US# 7,315,613 B2 (hereinafter Kleindienst), and in further view of Fernandes, US# 6,014,135 and in view of Hiipakka, US PG PUB# 2003/0098892 A1 (hereinafter Hiipakka).**

As for dependent claim 9:

       Grossman shows/suggests the above limitations (see claims 1, 7 and 8, *supra*). Grossman further shows/suggests the messaging system sharing file between the user and the desired contact (Fig.

4). Grossman, Padwick, and Kleindienst do not specifically show the *system of claim 8, further comprising an attachment engine operable to convert a file attached to an outgoing message into a format receivable by a device associated with a messaging receipt option.* Fernandes teaches a messaging system which converts one message format type to another message type (Fernandes, 13: 45-53). Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Grossman, Padwick, Kleindienst, and Hiipakka to incorporate the converting message type function in a messaging system as taught by Fernandes, thus allowing the desired user to receive the intended message through various devices.

9.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al., US PG PUB# 2004/0119761 A1 (hereinafter Grossman) in view of Shavit et al, US PG PUB# 2002/0160757 (hereinafter Shavit) in view of Kleindienst el al., US# 7,315,613 B2 (hereinafter Kleindienst) in view of Hiipakka, US PG PUB# 2003/0098892 A1 (hereinafter Hiipakka), and in further view of Fernandes, US# 6,014,135.

As for dependent claim 19:

        Grossman shows the above limitations (see claims 11, *supra*). Grossman further shows the messaging system sharing file between the user and the desired contact (Fig. 4). Grossman and Shavit do not specifically show the *method of claim 18 further comprising converting the file into a format receivable by a device associated with the first <u>selectable</u> address.* Fernandes teaches a messaging system which converts one message format type to another message type (Fernandes, 13: 45-53). Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Grossman, Shavit, Kleindienst, and Hiipakka to incorporate the converting message type function in a messaging system as taught by Fernandes, thus allowing the desired user to receive the intended message through various devices.

        It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-

33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ

275, 277 (CCPA 1968)).

      The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825,159 USPQ 342,

344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into

account not only specific teachings of the reference but also the inferences which one skilled in

the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a

reference may be relied upon for all that it would have reasonably suggested to one having

ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories,

874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

Response to Arguments

10.   Applicant's arguments with respect to claims 1-9, 11, 13, 14 and 16-20 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of

the extension of time policy as set forth in 37 CFR 1.136(a).

      A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can

normally be reached on M-F, 9:00-5:30 PM.

         If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

William Bashore can be reached on 571-272-4088. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

         Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

DP
/David Phantana-angkool/
Examiner, Art Unit 2175

                                                 /William L. Bashore/

                                                 Supervisory Patent Examiner, Art Unit 2175